

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

NINTH DAY — FRIDAY, JULY 25, 2003

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 40).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Naishtat; Oliveira; Olivo; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Telford; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Corte; Denny; Goodman; Gutierrez; Haggerty; Kuempel; Nixon; Noriega; Pickett; Pitts; Reyna; Solomons; Wilson.

Absent — Canales; Chisum; Flores; Moreno, J.; Moreno, P.; Riddle; Solis; Thompson.

The invocation was offered by Jimmy Daniel, director, Baptist Student Ministry at The University of Texas at Austin, as follows:

Dear God in heaven, we acknowledge that you are the ultimate creator and sustainer of the universe and, as such, the creator of this great house of representatives. Thank you for allowing each of us to serve our fellow man for another day.

I pray that you would help the men and women of this great institution go about their business as true servants—not only to all Texans, but to each other, and to you.

Lord, give each member the courage to serve today with honesty, integrity, and courage in a day when these values are laughed at as if they were silly, naive relics from a past age.

Father, as we remember the heinous murder of New York City Councilman James Davis on Wednesday, I pray that you would protect each member of the house from those in our world who respond to their anger and conflict with violence. May this house set an example of civil and peaceful resolution of conflict for all Texans.

Lord, I would ask that you meet each one of us at our own point of need today. May these representatives honor you in all they do. In your name we pray. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of family business:

Wilson on motion of Geren.

The following members were granted leaves of absence for today because of important business:

Denny on motion of Geren.

Goodman on motion of Geren.

Gutierrez on motion of Escobar.

Haggerty on motion of Geren.

Kuempel on motion of Geren.

Nixon on motion of Geren.

Noriega on motion of Geren.

Pickett on motion of Guillen.

Pitts on motion of West.

Reyna on motion of Geren.

The following member was granted leave of absence for today because of important business in the district:

Corte on motion of Mercer.

CAPITOL PHYSICIAN

The speaker recognized Representative Hamric who presented Dr. Stephen Fischer of Spring as the "Doctor for the Day."

The house welcomed Dr. Fischer and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 2).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

J. Moreno on motion of Mabry.

**HR 167 - ADOPTED
(by McCall)**

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 167**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 167, Honoring Representatives Woolley and Hamric on their birthday.

HR 167 was read and was adopted without objection.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Dawson on motion of Casteel.

The following member was granted leave of absence for the remainder of today because of important business:

Wise on motion of Dunnam.

**HR 108 - ADOPTED
(by Gattis)**

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 108**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 108, Congratulating Lora Darden on being named a 2003 Round Rock Independent School District Teacher of the Year.

HR 108 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gattis who introduced Lora Darden and her family.

HR 109 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 109**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 109, Congratulating Julia Weathersbee on being named a 2003 Teacher of the Year for Round Rock Independent School District.

HR 109 was adopted without objection.

HR 163 - ADOPTED
(by Heflin)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 163**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 163, Honoring, congratulating, and extending best wishes to Mr. Roger Hulsey and his family.

HR 163 was adopted without objection.

(Hamilton in the chair)

HR 164 - ADOPTED
(by Heflin)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 164**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 164, Honoring and congratulating Mr. Kevin Hulsey of the United States Navy upon the occasion of his approaching retirement.

HR 164 was adopted without objection.

HR 165 - ADOPTED
(by Heflin)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 165**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 165, Congratulating Mr. and Mrs. Tran Dinh Truong and family for their business leadership, community involvement, philanthropic endeavors, and for serving as an example to others in the community.

HR 165 was adopted without objection.

HR 141 - ADOPTED**(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 141**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 141, Congratulating the King David Lodge F & AM Prince Hall Affiliated on its 100th anniversary.

HR 141 was adopted without objection.

HR 169 - ADOPTED**(by Wohlgemuth)**

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 169**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 169, In memory of Gordon Cockerham.

HR 169 was unanimously adopted by a rising vote.

HR 151 - ADOPTED**(by Deshotel)**

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 151**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 151, Congratulating Chris Stroud of Lamar University on his golfing achievements.

HR 151 was adopted without objection.

HR 152 - ADOPTED**(by Deshotel)**

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 152**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 152, Congratulating Davy Arnaud on his athletic accomplishments.

HR 152 was adopted without objection.

HR 157 - ADOPTED
(by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 157, Honoring Marine Lance Corporal Jon Ratcliff on the occasion of his return from the Iraqi campaign.

(Dutton in the chair)

HR 157 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Rose who introduced Lance Corporal Jon Ratcliff and his family.

HR 170 - ADOPTED
(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 170**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 170, In memory of Jonathan David Rozier.

HR 170 was read and was unanimously adopted by a rising vote.

On motion of Representative Hughes, the names of all the members of the house were added to **HR 170** as signers thereof.

HR 160 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 160**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 160, Honoring Jack Dillard of Waskom, Texas, for being the recipient of the Regnal Wallace AG Communicator of the year Award from Louisiana Farm Bureau Federation, Inc.

HR 160 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Canales on motion of Deshotel.

HR 168 - ADOPTED
(by Eissler, et al.)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 168**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 168, Paying special tribute to the life of Montgomery County deputy constable John David Garcia.

HR 168 was unanimously adopted by a rising vote.

HR 153 - ADOPTED
(by B. Brown)

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 153**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 153, Honoring the life of William Albert Porter of Terrell.

HR 153 was unanimously adopted by a rising vote.

HCR 18 - ADOPTED
(by Talton)

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HCR 18**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 18, Honoring Dr. Shelby M. Elliot on his December 2003 retirement as president of Texas Chiropractic College.

HCR 18 was adopted without objection.

HR 171 - ADOPTED
(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 171**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 171, Congratulating Frank Curre, Jr., of Waco on the occasion of his 80th birthday.

HR 171 was adopted without objection.

HR 121 - ADOPTED
(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 121**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 121, Honoring the Midway High School Panther baseball team on winning the Class 4A State Championship.

HR 121 was adopted without objection.

HR 122 - ADOPTED
(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 122**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 122, Honoring the Lorena High School Leopards baseball team for winning the 2003 UIL Class 3A state title.

HR 122 was adopted without objection.

HR 128 - ADOPTED
(by Driver)

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 128**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 128, In memory of Teresa Ann "Terri" Kurkjian of Garland.

HR 128 was unanimously adopted by a rising vote.

HR 115 - ADOPTED
(by Phillips)

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HR 115**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 115, In memory of MacPhelan Reese of Bonham.

HR 115 was unanimously adopted by a rising vote.

HR 114 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 114**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 114, Honoring the births of Garrett James Holliday and Grace Ann Holliday of Plano.

HR 114 was adopted without objection.

HR 142 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 142**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 142, Congratulating Ana Laura Barbosa and Alonzo Barbosa, Jr., on the birth of their son, Marshall Allen Barbosa.

HR 142 was adopted without objection.

HR 143 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 143, Honoring Johnny Arce of Weslaco for his outstanding achievements.

HR 143 was adopted without objection.

HR 144 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 144**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 144, Honoring Lupita Cantu and her Mer-Tex Café in Mercedes.

HR 144 was adopted without objection.

HR 145 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 145**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 145, Honoring Jennifer Castillo of Donna on her quinceañera.

HR 145 was adopted without objection.

HR 146 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 146**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 146, Honoring Joseph Lee Trevino of Donna on his quinceañero.

HR 146 was adopted without objection.

HR 154 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 154**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 154, Honoring the birth of Michael Tristan Duffy of Houston.

HR 154 was adopted without objection.

HR 155 - ADOPTED
(by Wise)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 155**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 155, Recognizing Wild Bill's BBQ and Steaks in La Feria for being selected by Texas Monthly magazine as one of the state's best barbeque eateries.

HR 155 was adopted without objection.

HCR 17 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HCR 17**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 17, Designating Kilgore as the official Texas City of Stars.

HCR 17 was adopted without objection.

(Speaker in the chair)

SCR 4 - ADOPTED
(Dutton - House Sponsor)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **SCR 4**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 4, Honoring Charles L. Dunlap of Austin on his retirement.

SCR 4 was read and was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 3).

HR 120 - ADOPTED
(by D. Jones)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 120**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 120, Honoring Hack and Norma Lasater of Slaton on their 73rd wedding anniversary.

HR 120 was adopted without objection.

HCR 15 - ADOPTED
(by D. Jones and Isett)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HCR 15**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 15, In memory of Travis D. Shelton of Lubbock.

HCR 15 was unanimously adopted by a rising vote.

HCR 16 - ADOPTED
(by D. Jones and Isett)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HCR 16**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 16, In memory of Ralph Brock of Lubbock.

HCR 16 was unanimously adopted by a rising vote.

HR 172 - ADOPTED
(by Ellis)

Representative Ellis moved to suspend all necessary rules to take up and consider at this time **HR 172**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 172, Honoring Janie Cockrell of Corrigan on her retirement as director of the Institutional Division of the Texas Department of Criminal Justice.

HR 172 was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 172** as signers thereof.

HR 173 - ADOPTED
(by Ellis)

Representative Ellis moved to suspend all necessary rules to take up and consider at this time **HR 173**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 173, In memory of James M. "Pete" Peebles, Sr., of Livingston.

HR 173 was unanimously adopted by a rising vote.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 173** as signers thereof.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 21 ON THIRD READING
(Krusee - House Sponsor)

SB 21, A bill to be entitled An Act relating to the financing, construction, improvement, maintenance, and operation of toll facilities by the Texas Department of Transportation and the disposition of money generated by the driver responsibility program, fines imposed for certain traffic offenses, and certain fees collected by the Department of Public Safety of the State of Texas; making an appropriation.

Amendment No. 1

Representative Krusee offered the following amendment to **SB 21**:

Amend **SB 21** on third reading by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION __. (a) Subsection (a), Section 502.1715, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) In addition to other fees imposed for registration of a motor vehicle, at the time of application for registration or renewal of registration of a motor vehicle for which the owner is required to submit evidence of financial responsibility under Section 502.153, the applicant shall pay a fee of \$1. In addition to other fees imposed for registration of a motor vehicle, at the time of application for registration of a motor vehicle that is subject to Section 501.0234, the applicant shall pay a fee of \$1.

(b) Subsection (f), Section 504.202, Transportation Code, as added by **HB 2971**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(f) The fee for the first set of license plates is \$3. There is no [The] fee for each additional set of license plates [is \$15]. If a license plate is lost, stolen, or mutilated, on payment of a \$1 fee the department shall issue a set of replacement plates.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Krusee offered the following amendment to **SB 21**:

Amend **SB 21** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION __. (a) Subsection (b), Section 502.1715, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(b) Prior to August 31, 2005, fees collected under this subchapter shall be deposited to the credit of the state highway fund. The [Subject to appropriation, the] money shall be used by the Department of Public Safety to:

(1) support the Department of Public Safety's reengineering of the driver's license system to provide for the issuance by the Department of Public Safety of a driver's license or personal identification certificate, not to include use of biometric information; ~~and~~

(2) establish and maintain a system to support the driver responsibility program under Chapter 708; and

(3) conduct the feasibility study authorized by Section 601.450.

(b) The one percent of surcharges collected during the state fiscal biennium beginning September 1, 2003, by the Department of Public Safety of the State of Texas under Chapter 708, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, that is deposited to the general revenue fund and dedicated to the administration of the driver responsibility program by Subsection (b), Section 780.002, Health and Safety Code, as added by that bill, is appropriated to the Department of Public Safety for the state fiscal biennium beginning September 1, 2003, for the purposes of administering the driver responsibility program operated by the department under Chapter 708, Transportation Code, as added by that bill. The number of full-time equivalent positions (FTE) indicated in the Department of Public Safety's bill pattern is increased by 11 during the biennium.

(c) All fees collected during the state fiscal biennium beginning September 1, 2003, by the Texas Department of Transportation under Section 502.1715, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, are appropriated to the Department of Public Safety of the State of Texas for the state fiscal biennium beginning September 1, 2003, for the purpose of supporting the Department of Public Safety's reengineering of the driver's license system. The number of full-time equivalent positions (FTE) indicated in the Department of Public Safety's bill pattern is increased by 28 during the biennium.

(d) Revenue generated under Section 502.1715, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, may be used by the Department of Public Safety of the State of Texas to make lease payments to the Master Lease Purchase Program to accomplish the driver's license reengineering project and the liability insurance feasibility study.

(e) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect November 1, 2003.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Krusee offered the following amendment to **SB 21**:

Amend **SB 21** on third reading by adding the following sections to the bill, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION _____. (a) Section 227.014, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the commission determines that the mobility needs of this state would be most efficiently and economically met by jointly operating two or more facilities or combinations of different types of facilities financed or constructed as part of the same project as one operational and financial enterprise, it may create a system composed of those facilities or combinations of facilities. The commission may create more than one system and may combine two or more systems into one system. The commission may finance, construct, and operate an additional facility or combination of facilities as an expansion of a system if the commission determines that the facility or combination of facilities would most efficiently and economically be constructed and operated if the facility or combination of facilities [†] were a part of the system and that the addition will benefit the system. A system may only include facilities located wholly or partly within the territory of:

- (1) a metropolitan planning organization; or
- (2) two adjacent department districts.

(a-1) Subsection (a) does not prohibit the department from creating a system that includes a facility that extends continuously through the territory of:

- (1) two or more metropolitan planning organizations; or
- (2) more than two adjacent department districts.

(b) Section 227.023(c), Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(c) To the extent and in the manner that the department may enter into comprehensive development agreements under Chapter 361 with regard to turnpikes, the department may enter into a comprehensive development agreement [agreements] under this chapter that provides for the financing, development, design, construction, or operation of a facility or a combination of [with regard to] facilities on the Trans-Texas Corridor. All provisions of Chapter 361 relating to comprehensive development agreements for turnpikes apply to comprehensive development agreements for facilities under this chapter, including provisions relating to the confidentiality of information. Claims arising under a comprehensive development agreement are subject to Section 201.112.

SECTION _____. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.616 to read as follows:

Sec. 201.616. ANNUAL REPORT TO LEGISLATURE ON CERTAIN MATTERS. (a) Not later than December 1 of each year, the department shall submit a report to the legislature that details:

(1) the expenditures made by the department in the preceding state fiscal year in connection with:

- (A) the unified transportation program of the department;
- (B) turnpike projects and toll roads of the department;
- (C) the Trans-Texas Corridor;
- (D) rail facilities described in Chapter 91; and
- (E) non-highway facilities on the Trans-Texas Corridor if those

expenditures are subject to Section 227.062(c);

(2) the amount of bonds or other public securities issued for transportation projects; and

(3) the direction of money by the department to a regional mobility authority in this state.

(b) The report must break down information under Subsection (a)(1)(A) by program category and department district. The report must break down information under Subsections (a)(1)(B), (C), (D), and (E) and Subsection (a)(3) by department district. The report must break down information under Subsection (a)(2) by department district and type of project.

(c) The report may be submitted in an electronic format.

SECTION _____. (a) Section 91.071, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 91.071. [~~PERMISSIBLE SOURCES OF~~] FUNDING. (a) Except as provided in Subsection (b), the [The] department may use any available funds to implement this chapter [legally permissible source of funding in acquiring, constructing, maintaining, and operating a rail facility or system], including funds[:

[(1) ~~appropriations from the state highway fund that are not dedicated for another purpose by Section 7 a or 7 b, Article VIII, Texas Constitution;~~

[(2) ~~proceeds from bonds secured by the Texas Mobility Fund;~~

[(3) ~~donations, whether in kind or in cash; and~~

[(4) ~~loans]~~ from the state infrastructure bank.

(b) Each fiscal year, the total amount disbursed by the department from the state highway fund to implement this chapter may [out of federal and state funds shall] not exceed \$12.5 million. This subsection does not apply to:

(1) ~~[disbursements for the acquisition or construction of rail lines on the Trans Texas Corridor;~~

[(2) ~~]~~ the acquisition of abandoned rail facilities described in Section 91.007;

(2) [(3)] funding derived from the issuance of bonds, private investment, and donations;

(3) federal funds[; and grants or loans] from the Federal Railroad Administration, from the [or] Federal Transit Administration, or authorized and appropriated by the United States Congress for a specific project; [and]

(4) grants awarded by the governor from the Texas Enterprise Fund; and

(5) grading and bed preparation.

(b) The Texas Transportation Commission shall propose rules governing the disbursement of funds for the acquisition of abandoned rail facilities described in Section 91.007, Transportation Code. The rules shall prescribe criteria for the Texas Department of Transportation's acquisition of abandoned rail facilities. In establishing criteria, the Texas Transportation Commission shall consider the local and regional economic benefit realized from the disbursement of funds in comparison to the amount of the disbursement.

(c) If this Act receives the vote necessary for immediate effect, the Texas Transportation Commission shall propose the rules required by Subsection (b) of this section not later than September 30, 2003. If this Act does not receive the

vote necessary for immediate effect, the Texas Transportation Commission shall propose the rules required by Subsection (b) of this section not later than December 1, 2003.

SB 21 - STATEMENT OF LEGISLATIVE INTENT

Amendment No. 3

REPRESENTATIVE HILL: Mr. Krusee, in **HB 3588**, which you passed in the regular session, it requires a written agreement between TxDOT and a transit authority whose project or property or facility might be modified or affected by the participation in the Trans Texas Corridor. This amendment does not change that requirement, does it?

REPRESENTATIVE KRUSEE: No, it does not.

HILL: Thank you.

REMARKS ORDERED PRINTED

Representative Hill moved to print remarks between Representative Krusee and Representative Hill.

The motion prevailed without objection.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Madden offered the following amendment to **SB 21**:

Amend **SB 21** on third reading by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION _____. (a) Subsection (c), Article 45.051, Code of Criminal Procedure, as amended by **SB 631** and **SB 1904**, Acts of the 78th Legislature, Regular Session, 2003, is reenacted to read as follows:

(c) On determining that the defendant has complied with the requirements imposed by the judge under this article, the judge shall dismiss the complaint, and it shall be clearly noted in the docket that the complaint is dismissed and that there is not a final conviction. If the complaint is dismissed, a special expense not to exceed the amount of the fine assessed may be imposed.

(b) Subsections (e) and (l)-(t), Article 45.0511, Code of Criminal Procedure, as amended by **SB 631** and **SB 1904**, Acts of the 78th Legislature, Regular Session, 2003, are reenacted to read as follows:

(e) A request to take a driving safety course or motorcycle operator training course made at or before the time and at the place at which a defendant is required to appear in court is an appearance in compliance with the defendant's promise to appear.

(l) When a defendant complies with Subsection (c), the court shall:

(1) remove the judgment and dismiss the charge;

(2) report the fact that the defendant successfully completed a driving safety course or a motorcycle operator training course and the date of completion to the Texas Department of Public Safety for inclusion in the person's driving record; and

(3) state in that report whether the course was taken under this article to provide information necessary to determine eligibility to take a subsequent course under Subsection (b).

(m) The court may dismiss only one charge for each completion of a course.

(n) A charge that is dismissed under this article may not be part of a person's driving record or used for any purpose.

(o) An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged an insured under the policy because the insured completed a driving safety course or a motorcycle operator training course, or had a charge dismissed under this article.

(p) The court shall advise a defendant charged with a misdemeanor under Section 472.022, Transportation Code, Subtitle C, Title 7, Transportation Code, or Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle of the defendant's right under this article to successfully complete a driving safety course or, if the offense was committed while operating a motorcycle, a motorcycle operator training course. The right to complete a course does not apply to a defendant charged with:

(1) a violation of Section 545.066, 550.022, or 550.023, Transportation Code;

(2) a serious traffic violation; or

(3) an offense to which Section 542.404 or 729.004(b), Transportation Code, applies.

(q) A notice to appear issued for an offense to which this article applies must inform a defendant charged with an offense under Section 472.022, Transportation Code, an offense under Subtitle C, Title 7, Transportation Code, or an offense under Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle of the defendant's right to complete a driving safety course or, if the offense was committed while operating a motorcycle, of the defendant's right to complete a motorcycle operator training course. The notice required by this subsection must read substantially as follows:

"You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course."

(r) If the notice required by Subsection (q) is not provided to the defendant charged with the offense, the defendant may continue to exercise the defendant's right to take a driving safety course or a motorcycle operator training course until the notice required by Subsection (q) is provided to the defendant or there is a final disposition of the case.

(s) This article does not apply to an offense committed by a person who holds a commercial driver's license.

(t) An order of deferral under Subsection (c) terminates any liability under a bail bond or appearance bond given for the charge.

(c) Subsection (c-1), Article 45.051, Code of Criminal Procedure, as added by **SB 1904**, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

(d) This section takes effect September 1, 2003, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

(e) If this Act does not receive the vote necessary for effect as provided by Subsection (d) of this section, this section takes effect on the 91st day after the last day of the legislative session.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Alonzo offered the following amendment to **SB 21**:

Amend **SB 21** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 521.142(a), Transportation Code, is amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation or proof of identity satisfactory to the department. The department shall accept as proof of the applicant's identity an identity document that is issued by the government of another country, if that document bears the applicant's photograph, full name, and date of birth and the government of the other country has established reasonable mechanisms by which the department can verify the identity document. For purposes of this section, an identity document includes a passport, a consular identity document, and a national identity document. On the reverse side of a driver's license, the department shall print the license holder's country of citizenship and indicate the country of citizenship by a uniform symbol or code on the face of the license in the space where the department indicates a restriction or endorsement.

Amendment No. 5 was withdrawn.

A record vote was requested.

The vote of the house was taken on passage of **SB 21**, and the vote resulted as follows (Record 41): 81 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Christian; Cook, B.; Cook, R.; Crabb; Driver; Dunnam; Dutton; Edwards; Elkins; Ellis; Escobar; Farabee; Flynn; Gallego; Gattis; Geren; Giddings; Goolsby; Guillen; Hamilton; Hamric; Hardcastle; Heflin; Hegar; Hill; Hochberg; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Mabry; Madden; McCall; McReynolds; Mercer; Merritt; Mowery; Naishtat; Paxton; Phillips; Puente; Ritter; Rose; Seaman; Smith, W.; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Davis, Y.; Deshotel; Dukes; Hodge; Jones, J.; Martinez Fischer; McClendon; Olivo; Quintanilla; Telford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Corte; Dawson; Denny; Goodman; Gutierrez; Haggerty; Kuempel; Moreno, J.; Nixon; Noriega; Pickett; Pitts; Reyna; Solomons; Wilson; Wise.

Absent — Bailey; Branch; Burnam; Chisum; Coleman; Crownover; Davis, J.; Delisi; Eiland; Eissler; Farrar; Flores; Garza; Griggs; Grusendorf; Harper-Brown; Hartnett; Hilderbran; Homer; Hupp; Laubenberg; Lewis; Luna; Marchant; Menendez; Miller; Moreno, P.; Morrison; Oliveira; Peña; Raymond; Riddle; Rodriguez; Smith, T.; Smithee; Solis; Thompson; Uresti; Villarreal; Wolens.

The speaker announced that the outcome of passage of **SB 21** could not be determined because the above vote revealed that a quorum was not present.

STATEMENT OF VOTE

When Record No. 41 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eissler

POINT OF ORDER

Representative Alonzo raised a point of order under Rule 5, Section 5 of the House Rules on the grounds that Record Vote No. 41 showed a quorum was not present.

The speaker sustained the point of order.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Monday, July 28.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Reform, upon adjournment today, Desk 108, for a formal meeting, to consider **SB 55**.

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to consider the calendar for Monday, July 28.

ADJOURNMENT

Representative Gallego moved that the house adjourn until 10 a.m. Monday, July 28 in memory of Daniel Ray of Longview and Will Looney of Edinburg.

The motion prevailed without objection.

The house accordingly, at 4 p.m., adjourned until 10 a.m. Monday, July 28.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 3**HB 9****Senate List No. 2****SCR 2****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, July 25, 2003

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 16 Denny SPONSOR: Nelson
Relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

HCR 2 Craddick SPONSOR: Bivins
Congratulating the Reverend Dr. John D. Gerlach and the members of Crestview Baptist Church of Midland on the occasion of the church's 50th anniversary.

HCR 3 Craddick SPONSOR: Bivins
Honoring Nancy McKinley of Midland for her dedication to preserving and promoting Texas heritage.

HCR 10 Craddick SPONSOR: Bivins
Honoring Marvin L. Wynn on his retirement as president and CEO of the Midland Chamber of Commerce.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 5

Senate Conferees: Bivins - Chair/Nelson/Whitmire/Williams/Zaffirini

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, July 25, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HB 12**

Heflin

SPONSOR: Staples

Relating to appropriating the fees collected by the Texas Animal Health Commission under **HB 2328**, Acts of the 78th Legislature, Regular Session, 2003.

(Amended)

HB 82

Hamric

SPONSOR: Duncan

Relating to the abolition of the state aircraft pooling board.

(Committee Substitute/Amended)

HCR 12

Corte

SPONSOR: Ogden

Memorializing the secretary of the United States Department of Homeland Security to designate a university-based center for homeland security in the State of Texas.

SB 10

Lindsay

Relating to procedures in condemnation proceedings in a county civil court at law in certain counties.

SB 22

Ellis, Rodney

Relating to the organization, board membership, and functions of certain state agencies and to the transfer of certain functions to other state agencies; providing penalties.

SB 37

Lindsay

Relating to the precedence of highway access rules and ordinances of certain counties and municipalities over highway access management orders of the Texas Transportation Commission.

SB 52

Ogden

Relating to the expenditure of funds on rail facilities by the Texas Department of Transportation.

SCR 4 Armbrister
Honoring Charles L. Dunlap of Austin on his retirement.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

HB 5 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

July 22

Transportation - **SB 44, SB 53**

July 23

Transportation - **SB 47**

ENROLLED

July 21 - HB 11, HCR 4

July 22 - HB 9

SENT TO THE GOVERNOR

July 22 - HCR 4, HCR 7, HCR 8

SENT TO THE COMPTROLLER

July 22 - HB 11

SIGNED BY THE GOVERNOR

July 24 - HCR 4, HCR 7, HCR 8

